IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007/15TH BHADRA 1929

CRP.No. 3340 of 2001(G)

(AGAINST THE ORDER IN SM NO.8/2000 DT. 31.7.01 BY TALUK LAND BOARD CHITTUR .)

REVN. PETITIONER: DECLARANT

CHAMI THARAKAN, PULIYASSAR HOUSE,
KARIPPODE, KODUVAYUR,
PALAKKAD DISTRICT (EXPIRED)

ADDL. P2 TO P10 IMPLEADED

P2. AMMUKUTTY AMMA, WIFE OF CHAMI THARAKAN,
RESIDING AT PULIYASSAR HOUSE,
KARIPPODE, KODUVAYUR, PALAKKAD DISTRICT.

P3. KAVERI, D/O. DO. RESIDING AT DO. DO.

P4 JANAKI D/O. DO., RESIDING AT DO. DO.

P5. BALAKRISHNAN, S/O. DO. , RESIDING AT DO. DO.

P6. KAMBAPPAN, SON OF DO. , RESIDINGAT DO. DO.

P7. KUNJIRAMAN, SON OF DO. , RESIDING AT DO. DO.

P8. KUMARAN, SON OF DO. WW 24766 2007
RESIDING AT DO. DO.

P9. MANIKANDAN, SON OF DO. RESIDING AT DO. DO.

10. OMANA, D/O. DO., RESIDING AT DO. DO.

ARE IMPLEADED AS ADDL.P2 TO P10 VIDE ORDER 27.11.06 IN CMP. 3103/02 IN CRP. 3340/01.

BY ADV. SRI.P.R.VENKATESH

C.R.P. NO.3340/2001

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY**
   CHIEF SECRETARY, TRIVANDRUM.

2. **CHAIRMAN, LAND BOARD, TRIVANDRUM.**

3. **CHAIRMAN, TALUK LAND BOARD, CHITTUR.**

BY GOVERNMENT PLEADER SRI. SHYSON P.MANGUZHA.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRP. NO.3340/2001

ORDER ON CMP. NOS.7002/01 , 1779/2002 IN CRP. 3340/2001

DISMISSED

06.09.2007 **SD/- PIUS C.KURIAKOSE, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

PIUS C. KURIAKOSE,J.

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C.R.P.No.3340 of 2001

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Dated: 6th September, 2007

ORDER

The order of the Taluk Land Board, Chittur in S.M.No.8/2000 dated 31.7.2001 is under challenge by the declarant mainly on the ground of limitation. Inviting my attention to Section 85(9) of the Land Reforms Act, learned counsel submitted that the present proceedings have been initiated after a period of 7 years contemplated under Section 85(9) and hence barred. On going through the impugned order I find that the question of limitation has not been considered by the Taluk Land Board. I set aside the impugned order and remand the matter back to the Taluk Land Board. The Taluk Land Board will consider the question of limitation as the first issue after hearing the petitioners. If that question is decided against the petitioners, then also the petitioners shall be given opportunity to submit option regarding the lands to be surrendered since the petitioners continue to assert that they do not have possession over the lands covered by the mortgage deed in favour of one Kumara Mannadiar referred to in the impugned order.

The C.R.P. is allowed by way of remand. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**